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IN THE UNITED STATES COURT OF APPEALS

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FOR THE ELEVENTH CIRCUIT

U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT  
MARCH 17 2006

No. 06-10622-C

Dist. Ct. Docket No. 05-01085-CV-T-2-MHT

FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT

MAR 15 2006

THOMAS K. KAHN  
CLERK

IN RE:

ROBERT TWYMAN, JR.

Petitioner.

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On Petition for Writ of Mandamus to the  
United States District Court for the  
Middle District of Alabama

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**BEFORE: CARNES and MARCUS, Circuit Judges.**

**BY THE COURT:**

Robert Twyman, Jr., an Alabama state prisoner proceeding pro se, petitions this Court for a writ of mandamus, requesting that we (1) declare him to be indigent; (2) order the district court to proceed with his prisoner civil rights action, 42 U.S.C. § 1983; (3) acknowledge that a constitutional violation by state officials cannot be procedurally barred; and (4) order the district court to stop requiring inmates to pay filing fees for civil rights complaints which are dismissed pursuant to 28 U.S.C. § 1915.

Under 28 U.S.C. § 1915(g), a prisoner who has “on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States

that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury," may not proceed without payment of fees.

Twyman has filed at least three prior civil actions or appeals which have been dismissed as frivolous or for failure to state a claim upon which relief may be granted, including (1) Twyman v. Evans, No. 2:91-cv-01369-WHA-CSC (M.D. Ala.); (2) Twyman v. Hill, et al., No. 2:04-cv-00702-MEF-CSC (M.D. Ala.); and (3) Twyman v. Hill, USCA No. 04-14947. Because Twyman has at least "three strikes" and has not alleged that he is in imminent danger of serious physical injury, the Court will dismiss his mandamus petition without further notice unless he pays the full filing fee within 14 days of the date of this order. See 28 U.S.C. § 1915(g).